

Docket No.: 0020-5301PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Takahiro ITO et al.

Application No.: 10/509,912

Confirmation No.: 4489

Filed: October 4, 2004

Art Unit: 1623

For: LIQUID PREPARATION COMPRISING  
CAMPTOTHECIN DERIVATIVE AND  
PHARMACEUTICAL COMPOSITION  
PRODUCIBLE BY LYOPHILIZING THE  
PREPARATION

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Examiner: J. S. Lau

**REQUEST FOR REFUND**  
**(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

MS 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 6, 2009

Madam:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account 02-2448 shown on the statement for the month of December 2008 for the above-identified

☒ application ☐ patent

☐ A copy of the monthly statement in which the error referred to occurs, accompanies this request.

## II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND <u>REQUESTED</u>
<input type="checkbox"/> filing fee	_____
<input type="checkbox"/> search fee	_____
<input type="checkbox"/> examination fee	_____
<input type="checkbox"/> surcharge for filing the basic filing on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
and/or	
<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
<input type="checkbox"/> extension of term	
<input type="checkbox"/> first month	_____
<input type="checkbox"/> second month	_____
<input type="checkbox"/> third month	_____
<input type="checkbox"/> fourth month	_____
<input checked="" type="checkbox"/> excess claims	<u>\$858</u>
<input type="checkbox"/> issue fee	_____
<input type="checkbox"/> petition fee	_____

- ☐ patent maintenance fee \_\_\_\_\_
- ☐ first maintenance fee \_\_\_\_\_
- ☐ second maintenance fee \_\_\_\_\_
- ☐ third maintenance fee \_\_\_\_\_
- ☐ patent maintenance fee surcharge \_\_\_\_\_
- ☐ Other: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

TOTAL REFUND REQUESTED

\$858

## III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

21 claims were paid for when the application was filed on October 4, 2004 together with a First Preliminary Amendment. The multiple dependent claim fee was also paid at that time.

On January 21, 2005 a Second Preliminary Amendment was filed and at that time an excess claim fee of \$450 was paid for 30 dependent claims.

On December 5, 2008 an Amendment was filed and no additional dependent claims were added, however, one new Independent claim was added and the \$210 fee was paid. The claims as filed in the Amendment on December 5, 2008 were reduced to 18 dependent claims (30 previously paid for). Since the multiple dependency claim fee had been paid when the case was filed, and the 4<sup>th</sup> Independent claim was paid for on December 5,

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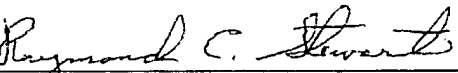
2008, there should not have been the need for additional claim fees. It is respectfully requested that the \$858 fee be refunded to the Applicants.

IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

Dated: May 6, 2009

Respectfully submitted,

By   
Raymond C. Stewart  
Registration No.: 21,066  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant